

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 21-0313
Case No. 2014-LHC-01205
OWCP No. 13-107182

BEVERLY HALE)
(Widow of ANTHONY HALE))

Claimant-Petitioner)

v.)

NAUTICAL ENGINEERING)

and)

STATE COMPENSATION INSURANCE)
FUND)

Employer/Carrier-)
Respondents)

BAE SYSTEMS SAN FRANCISCO SHIP)
REPAIR)

and)

SIGNAL MUTUAL INDEMNITY)
ASSOCIATION)

Employer/Carrier-)
Respondents)

BETHLEHEM STEEL COMPANY)

and)

DATE ISSUED: 05/17/2021

TRAVELERS INSURANCE COMPANY)	
)	
Employer/Carrier-)	
Respondents)	
)	
SAN FRANCISCO WELDING AND)	
FABRICATION)	
)	
and)	
)	
AMTRUST NORTH AMERICA)	
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On March 8, 2021, Claimant filed a timely appeal of Administrative Law Judge Christopher Larson's Decision and Order Denying Benefits After Remand, which the district director filed on March 8, 2021. 33 U.S.C. §921(a); 20 C.F.R. §802.205. This appeal is assigned the Benefits Review Board's docket number 21-0313. 20 C.F.R. §802.210.

On April 29, 2021, Claimant informed the Board she filed a motion for modification with the administrative law judge and therefore moves to dismiss her appeal without prejudice. 33 U.S.C. §922; 20 C.F.R. §802.301(c).

We dismiss Claimant's appeal without prejudice and remand the case to the administrative law judge for modification proceedings. If, following modification proceedings, Claimant remains aggrieved by the administrative law judge's Decision and Order Denying Benefits After Remand, we will reinstate Claimant's appeal of that decision provided Claimant files a motion for reinstatement within 30 days of the date the district director files the decision on modification. The request for reinstatement must be served on all parties and identified by the Board's docket number, BRB No. 21-0313. 20 C.F.R. §802.301(c).

Any party adversely affected by the decision granting or denying modification may file a new appeal with the Board within 30 days of the date the district director files the decision on modification. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c). This appeal will be assigned a new docket number and consolidated with any reinstated appeal.

Accordingly, we dismiss Claimant's appeal without prejudice and remand the case to the administrative law judge for modification proceedings.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge